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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,072	06/09/2005	Michael Gunzert	GUNZ3001/FJD	4277

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EXAMINER

PRETLOW, DEMETRIUS R

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/510,072	Applicant(s) GUNZERT ET AL.	
	Examiner Demetrius R. Pretlow	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-24, 27 and 29 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19, 21-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19, 21-27 do not produce a useful, concrete and tangible result. For example, there is no storing, displaying or conveying data to a user. Merely selecting would not appear to sufficient to constitute a tangible result, since the outcome of the selecting step has not been used in a disclosed practical application nor made available in such a manner that it's usefulness in a disclosed practical application can be realized. Note

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm> .

Claim Objections

Claim 20, is objected to for depending on a rejected base claim.

Claim 27 is objected to because of the following informalities: Claim 27 appears to be the same as claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-17, 19, 21-23 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Epstein (US 4113381). No weight is given to the limitations of the preamble because the preamble recites intended use. Given the broadest reasonable interpretation, in reference to claim 1, Epstein teach a central unit (100), at least one measurement module (90) is connected to said central unit for transferring digital data (displaying the calculations of the processor suggests transferring digital data) Note column 3, lines 54-58, a selection line assigned to each measurement module; wherein: each measurement module is selectable by said central unit by a selection line. Note column 12, lines 49-52 and Fig. 2.

In reference to claim 16, Epstein teach all measurement modules are connectable with the central unit over a control transmission line. Note Figure 2.

In reference to claim 17, Epstein teach each measurement module has a module transmission line. Note Figure 2, (lines leading to modules 75 and 90).

In reference to claim 19, Epstein et al. teach providing a selection line for each measurement module (90) over which digital data is transferred (displaying the calculations of the processor suggests transferring digital data) Note column 3, lines 54-58; selecting a measurement module by the central unit and a selection line. Note column 12, lines 49-52 and Fig. 2.

In reference to claim 21, Epstein et al. teach transmitting data transmitted from the central unit over a central transmission line to all measurement modules. Note Epstein column 3, lines 50-53 and Figure 2.

In reference to claim 22, Epstein teach utilizing data sent from the central unit only in the measurement module selected by means of a selection line. Note column 12, lines 49-56.

In reference to claims 23 and 27, Epstein teach the measurement modules are periodically selected by the central unit. Note column 12, lines 49-52.

Claims 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunshine et al. (US 6,839,636). Sunshine et al. teach a central unit (computer 235) Note Figure 2.; Sunshine et al. teach at least one measurement module (sensors 201-205) connected to said central unit Note column 7, lines 60-63 and Figure 2; wherein each measurement module is selectable by said central unit by a selection line. Note column 7, lines 60-62 and Figure 2; Sunshine et al. teach a multiplexer (225) Note Figure 2; Sunshine et al. teach wherein the module transmission lines are connectable with the inputs of said multiplexer. Note column 7, lines 60-62 and Figure 2; Sunshine et al. teach the output of said multiplexer is connectable with said central unit. Note column 7, lines 60-63 and Figure 2. Sunshine et al. teach said multiplexer is controllable via said selection line. Note column 7, lines 63-64 and Figure 2.

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In reference to claim 29, Sunshine et al. teach only the selected measurement module is able to send data to said central unit. Note column 7, lines 60-63 and Figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein in view of Brobeil (US 5,402,685). Epstein teach the limitations above.

Epstein does not teach different measuring modules are selected for different selection times periodically by the central unit.

Brobeil teach different measuring modules are selected for different selection times periodically by the central unit. Note Brobeil claim 1, lines 1-4.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Epstein to include the teaching of Brobeil because it would allow the flow sensors to be characterized. Note column 7, lines 13-15.

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Claims 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In reference to claim 25, Epstein does not teach the selection times are changed.

In reference to claim 26, Epstein does not teach the measurement modules are selected a plurality of times within one cycle.

Response to Arguments

Applicant's arguments with respect to claims 15-17,19-29 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow

Demetrius Pretlow 10/12/06

Patent Examiner

Michael Nghiem
MICHAEL NGHIEM
PRIMARY EXAMINER